

ZOE LOFGREN

16TH DISTRICT, CALIFORNIA

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SUBCOMMITTEE ON RULES

Congress of the United States
House of Representatives
Washington, DC 20515-0516

PLEASE RESPOND TO:

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November 8, 2005

The Honorable Alberto Gonzales
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Ave. NW
Washington, DC 20530

Dear Mr. Gonzales,

As you are aware, the House and Senate will soon meet to confer on the various USA PATRIOT Act provisions as part of the reauthorization process this year. To properly discharge this responsibility, it is vital for Congress to have the cooperation of the Department of Justice in compiling the record it considers. Unfortunately, while the Department has responded to some of the inquiries posed by the House Committee on the Judiciary regarding the use of USA PATRIOT Act authorities, the Department has yet to provide access to requested documents underlying those responses. In particular, the Department has failed to respond to my requests for access to information regarding section 505 National Security Letters and records underlying the Department's use of the material witness statute.

Mr. Gonzelez, in your testimony before the Committee in April of this year, you stated:

[T]he Department has gone to great lengths to respond to congressional concerns about the implementation of the USA PATRIOT Act.... [T]he Department has been responsive and will continue to be responsive as Congress considers whether key sections of the USA PATRIOT Act will be made permanent.

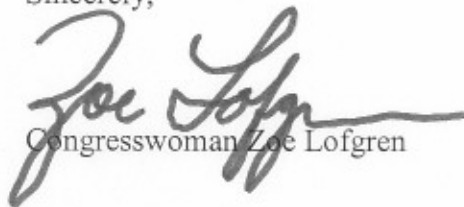
Unfortunately, since then your Department has not been as responsive as you indicated it would be. In particular, I have sought access to National Security Letters issued by the Department under section 505 of the USA PATRIOT Act. I have sought access to the Department's underlying records regarding its use of the material witness statute (18 U.S.C. § 3144). I asked for this information on May 19, 2005, now more than 5 months ago, and placed subsequent follow-up calls to your Department, but have yet to receive access to these materials or any written response.

Without the Department's complete cooperation in providing access to information about the Department's use of the USA PATRIOT Act authorities, Congress

will be hindered in the effort to ensure that the Act's existing provisions are being implemented properly and not abused. There would also be a less than optimal basis for Members of Congress to make informed judgments as to whether or not each USA PATRIOT Act authority is necessary in our fight against terrorism.

I have been appointed to the Conference Committee on USA PATRIOT Act renewal and require this information so I may properly discharge my duties in those deliberations. Given the short time until the House and Senate should meet to confer on reauthorization, I urgently request that you respond expeditiously to this renewed request. Please respond in writing within one week, by November 15, 2005, with the time, manner and place of access the Department will provide me and my staff (with appropriate security clearance) to review the Department's National Security Letters issued under section 505 during the first year after passage of the USA PATRIOT Act, and the Department's records regarding its use of the material witness statute.

Sincerely,

A handwritten signature in dark ink, appearing to read "Zoe Lofgren", with a long horizontal flourish extending to the right. Below the signature, the text "Congresswoman Zoe Lofgren" is printed in a small, sans-serif font.

Congresswoman Zoe Lofgren